

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LESLIE WAYNE JOHNSON,  
  
Plaintiff,

v.

BECHTEL NATIONAL, INC., a Nevada  
Corporation,

Defendant.

No.

COMPLAINT FOR DAMAGES

JURY TRIAL REQUESTED

**I. NATURE OF THE ACTION**

1. This is an action under 42 U.S.C. § 1981, *et seq.* (“Section 1981”) and the Washington Law Against Discrimination, RCW 49.60, *et seq.* (“WLAD”), to correct unlawful employment practices by Defendant Bechtel National, Inc. and to provide appropriate relief to Plaintiff Leslie Wayne Johnson, an African American employee who was adversely affected by such practices. These laws provide relief against the deprivation and interference with rights entitled under Section 1981 and the WLAD and relief against discrimination and retaliation in employment on the basis of race.

2. Plaintiff seeks monetary and injunctive relief, including pecuniary and non-pecuniary damages and punitive damages to the fullest extent allowed by law.

**II. JURISDICTION, VENUE AND PARTIES**

3. Jurisdiction is proper pursuant to 28 U.S.C. § 1331 since Plaintiff alleges claims that comprise a federal question.

4. This Court has jurisdiction over Plaintiff’s state claims pursuant to 28 U.S.C. § 1367.

5. Venue of this Court is invoked under 28 U.S.C. § 1391.

6. Defendant is a corporation subject to personal jurisdiction in the Western District of Washington at Seattle.

7. Plaintiff Leslie Wayne Johnson is a citizen of Washington State and a resident of King County, Washington.

8. At all relevant times Defendant Bechtel National, Inc. (“Defendant BNI”) was a Nevada Corporation that transacts business in the Western District of Washington, was an employer engaged in an industry affecting commerce, and had the requisite number of employees under the aforementioned statutes.

9. All jurisdictional prerequisites have been met.

**III. STATEMENT OF CLAIMS**

10. The preceding paragraphs 1 through 9 are re-alleged and hereby incorporated by reference.

11. Defendant engaged in unlawful employment practices against Plaintiff, while he was employed by Defendant, in violation of Section 1981, 42 U.S.C. § 1981, *et seq.*, and the WLAD, RCW 49.60, *et seq.*, and ultimately discriminatorily and/or retaliatorily terminated Plaintiff's employment.

12. Plaintiff suffered racial discrimination and harassment and was subjected to a hostile work environment by Defendant. Plaintiff opposed race discrimination and harassment and engaged in protected activity.

13. Defendant took adverse employment actions against Plaintiff including but not limited to demoting him on or about August 10, 2010 and terminating his employment on or about November 10, 2011. These actions were motivated by Plaintiff's race (African American) and opposition to Defendant's discriminatory conduct.

14. Plaintiff was subjected to severe and pervasive harassment based on his race (African American) at the hands of Defendant's employees, including but not limited to:

- a. Plaintiff was called a "spearchucker" by one of his white co-workers in front of his peers and supervisors;
- b. Plaintiff was shown a racially offensive image by a white co-worker which depicted a man in black face on the cover of a cereal box with the words "Kellog's Coon Flakes" written on it;
- c. White co-workers made racially offensive comments about African American women to Plaintiff, including but not limited to saying something to the effect of "I wouldn't date any nigger bitches either";
- d. Plaintiff was told by one of his supervisors that his supervisor had grown up not liking black people and he had only just learned to tolerate them;

1 e. Plaintiff was forced to view vile and offensive racial graffiti on walls  
2 and other areas of the jobsite;

3 f. Plaintiff faced numerous other forms of racially motivated harassment  
4 and discrimination throughout his employment.

5 15. Plaintiff complained to his managers and supervisors about these and other  
6 racially discriminatory and harassing actions.

7 16. Defendant had knowledge of numerous incidents that created a hostile working  
8 environment for Plaintiff, and Defendant failed to take prompt and effective remedial measures  
9 to stop or prevent them.

10 17. Defendant discriminated against Plaintiff and/or retaliated against Plaintiff for  
11 making complaints about racial discrimination and harassment, and took discriminatory and/or  
12 retaliatory adverse actions against him, including but not limited to terminating his  
13 employment.

14 18. The effect of the practices complained of in the above paragraphs has been to  
15 deprive Plaintiff of equal employment opportunities and otherwise adversely affect his status  
16 as an employee because of his race and opposition to Defendant's unlawful activities,  
17 including but not limited to terminating his employment.

18 19. Defendant failed to act to eliminate the discrimination and retaliation and has  
19 allowed a racially hostile and racially discriminatory environment to exist for many years.

20 20. The unlawful employment practices complained of in the above paragraphs  
21 were intentional. Other similarly situated employees have suffered discrimination, harassment,  
22 and retaliation.

23 21. The unlawful employment practices complained of in the above paragraphs  
24 were done with malice or with reckless indifference to Plaintiff's rights as protected by federal  
25 and state laws.  
26

1           22.     On information and belief, the unlawful employment practices complained of in  
2 the above paragraphs were instituted against other employees similarly situated with respect to  
3 Plaintiff based on their race.

4                               **IV.     RESERVATION OF RIGHTS**

5           23.     Plaintiff reserves the right to add, revise, or withdraw any claims, or add  
6 additional parties during the course of the litigation as information is obtained through  
7 litigation.

8                               **V.     PRAYER FOR RELIEF**

9           Wherefore, Plaintiff respectfully requests that this court:

10          A.     Grant a permanent injunction enjoining Defendant, its officers, successors,  
11 agents, assigns, and all persons in active concert or participation with them, from engaging in  
12 any other unlawful employment practices.

13          B.     Order Defendant to institute and carry out policies, practices, and programs  
14 which provide equal employment opportunities for all employees, and which eradicate the  
15 effects of its past and present unlawful employment practices.

16          C.     Order Defendant to make Plaintiff whole by providing appropriate back pay  
17 with prejudgment interest, in amounts to be determined at trial, and other affirmative relief  
18 necessary to eradicate the effects of its unlawful employment practices.

19          D.     Order Defendant to make Plaintiff whole by providing compensation for past  
20 and future pecuniary losses resulting from the unlawful employment practices described in the  
21 above paragraphs, including out-of-pocket expenses, in an amount to be determined at trial.

22          E.     Order Defendant to make Plaintiff whole by providing compensation for past  
23 and future non-pecuniary losses resulting from the acts complained of in the above paragraphs,  
24 including without limitation emotional pain, suffering, and loss of enjoyment of life, in an  
25 amount to be determined at trial.  
26

1 F. Order Defendant to pay Plaintiff punitive damages for the conduct described in  
2 the above paragraphs, in amounts to be determined at trial, to the fullest extent allowed by law.

3 G. Order Defendant to pay Plaintiff for any and all tax consequences associated  
4 with the damages and cost award, including but not limited to attorney's fees.

5 H. Award Plaintiff the costs of this action, including attorney's fees, expert fees,  
6 and all other costs to the fullest extent allowed by law.

7 I. Award Plaintiff other damages including prejudgment interest and post-  
8 judgment interest.

9 J. Grant any additional or further relief as provided by law, which this Court finds  
10 appropriate, equitable, or just.

11  
12  
13 DATED this 5<sup>th</sup> day of August, 2013.

14 THE BLANKENSHIP LAW FIRM, P.S.

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